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7 **UNITED STATES DISTRICT COURT**
8 **DISTRICT OF NEVADA**
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10 INTERIM CAPITAL, LLC,

11 Plaintiff,

12 v.

13 THE HERR LAW GROUP, LTD., *et al.*,

14 Defendants.
15

Case No. 2:09-CV-01606-KJD-LRL

ORDER

16 Presently before the Court is Plaintiff's Motion for Attorney's Fees (#91) and Motion for
17 Costs (#92). Defendants filed a response in opposition (#99) to which Plaintiff replied (#102).

18 Defendants do not dispute that Plaintiff is entitled to its fees and costs, and the Court has
19 already established liability for attorney's fees and costs in its prior Order (#90). Instead, Defendants
20 argue that Plaintiff's counsel is charging an excessive billing rate for its partners (\$495.00-
21 550.00/hour) and paralegals (\$180.00/hour). However, Defendants have entirely failed to submit any
22 admissible evidence that these rates are excessive, not usual and customary given the factors the
23 court must consider, or evidence of what an appropriate billing rate would be. In the Court's
24 experience these are the usual and customary billing rates for firms of similar experience and ability
25 in this District. Plaintiff has met its burden in establishing the reasonableness of the fees and costs
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1 incurred in this litigation. See Albios v. Horizon Comms., Inc., 132 P.3d 1022, 1034 (Nev. 2006);
2 Brunzell v. Golden Gate Nat'l Bank, 85 Nev. 345, 349 (Nev. 1969).

3 To the extent that Defendants argue that Plaintiff cannot recover fees incurred before the
4 filing of the complaint, the Court disagrees. In order to recover a deficiency judgment, Plaintiff was
5 forced to file a nineteen-page complaint that was accompanied by 147 pages of exhibits. The pre-
6 filing fees were incurred as a necessity in preparing the complaint. Furthermore, the application for
7 costs in the amount of \$1,075.20 is also reasonable as Interim only requests costs for fees of the
8 clerk, service of summons and subpoena, and limited costs for printing.

9 Accordingly, IT IS HEREBY ORDERED that Plaintiff's Motions for Attorney's Fees (#91)
10 and for Costs (#92) are **GRANTED**;

11 IT IS FURTHER ORDERED that the Clerk of the Court enter JUDGMENT for Plaintiffs and
12 against Defendants David C. Amesbury, Inc., David Clyde Amesbury, David Clyde Amesbury and
13 Victoria Alano Villegas, as Trustees of the Amesbury/Villegas Trust U/A/D February 7, 2000, and
14 703 South Eighth Street, LLC in the amount of \$103,596.50 in attorney's fees and \$1,075.20 in
15 costs.

16 DATED this 15th day of August 2012.

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20 Kent J. Dawson
21 United States District Judge
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